

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LISA BUTTERLINE, et al.	:	CIVIL ACTION
	:	
v.	:	No. 15-1429
	:	
THE BANK OF NEW YORK MELLON	:	
TRUST COMPANY, NATIONAL	:	
ASSOCIATION, et al.	:	

ORDER

AND NOW, this 20th day of March, 2017, for the reasons set forth in the accompanying Memorandum, it is ORDERED:

- Plaintiffs Lisa and Mark Butterline's Motion to Amend the Amended Class Action Complaint (Document 33) is GRANTED in part and DENIED in part. The Motion is GRANTED insofar as Plaintiffs shall be permitted to file a second amended complaint to assert a third party beneficiary breach of contract claim against the Bank of New York Mellon Trust Company, N.A. Plaintiffs shall file their second amended complaint on or before April 3, 2017. Insofar as Plaintiffs seek leave to pursue constitutional and contract claims against the City of Philadelphia and City of Philadelphia Sheriff's Office, the Motion is DENIED.
- Defendants City of Philadelphia and City of Philadelphia Sheriff's Office's Motion to Dismiss With Prejudice or, in the Alternative, to Deny Leave to Amend (Document 34) is GRANTED.
- Plaintiffs' Motion to Substitute Second Amended Complaint Attached to Plaintiffs' Motion to Amend Plaintiffs' Amended Complaint (Document 37) is DENIED.
- Defendant Bank of New York Mellon Trust Company, N.A., shall file an answer to Plaintiffs' second amended complaint on or before April 24, 2017.

- The parties shall submit a joint proposed scheduling order to the Court on or before May 8, 2017.

BY THE COURT:

/s/ Juan R. Sánchez
Juan R. Sánchez, J.